



November 18, 2011

VIA ELECTRONIC FILING AND FACSIMILE

Honorable Michael A. Shipp
U.S. Magistrate, United States District Court
Martin Luther King Building & US Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Walsh Securities, Inc. v. Cristo Property Management, et al.
United States District for the District of New Jersey
Civil Action No. 97-3496 (DRD)(MAS)

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Dear Judge Shipp:

I write about a scheduling matter. I have communicated with Robert Magnanini, Esq., the attorney for the plaintiff, and he has no objection to the extension I am requesting.

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As Your Honor knows, my colleague Sara Merin, Esq. and I represent the defendant Commonwealth Land Title Insurance Company in this case. The other remaining defendants are Fidelity National Title Insurance Company of New York and Nations Title Insurance of New York Inc. which are represented by Edward Hayes, Esq.

On July 19, 2011 Your Honor entered an Amended Scheduling Order (Document 458 Filed 07/19/11). Among the deadlines in that Amended Scheduling Order were deadlines for the filing of summary judgment motions. The Amended Scheduling Order required that moving papers be filed by November 10, 2011 -- and that has been completed. The plaintiffs, defendant Commonwealth and defendants Fidelity/Nations have all filed motions for partial summary judgment. In our notice of motion for partial summary judgment, and in the notice of motion of defendants Fidelity/Nations, we made the motions returnable January 18, 2012, which was the first return date available given the briefing schedule that Your Honor set in the July 19, 2011 Amended Scheduling Order. In the plaintiff's notice of motion the plaintiff did not set forth a return date, and I do not believe that a return date has been set by the Clerk or by the Court.

Under the Amended Scheduling Order opposition papers to the pending motions must be filed by December 9, 2011, and reply papers must be filed by December 30, 2011. We would request that the time for all parties to submit opposition papers be extended from December 9, 2011 through and including December 23, 2011. We would also request that the time for all parties to submit reply papers be extended through and including January 13, 2012. Hence, I am simply requesting that the time for submission of remaining briefs/papers be extended two weeks for both the opposition and for the replies.

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We request this extension for the following reasons. As Your Honor knows, this is a massive and complicated case. My colleague Ms. Merin will be away on vacation during the period when the opposition papers need to be prepared under the current schedule. I understand from Mr. Hayes that he likewise will be away on vacation during that period. In addition, Ms. Merin and I have a longstanding trial scheduled for December 12, 2011 that may take as long as 6 - 7 trial days.

For the foregoing reasons we request that the time for all parties to file opposition briefs/papers to the pending motions for partial summary judgment be extended through and including December 23, 2011 and that the time for all parties to file reply briefs/papers be extended through and including January 13, 2012.

Respectfully submitted,



David R. Kott

DRK:tas

cc: Robert A. Magnanini, Esq. (via electronic filing & fax)
Amy Walker Wagner, Esq. (via email)
Daniel I. Mee, Esq. (via email)
Edward J. Hayes, Jr., Esq. (via electronic filing & email)

So Ordered this 5th day
of December, 2011

